

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DENISE NIXON, : Civil No. 3:22-cv-1999
: Plaintiff : (Judge Mariani)
: :
: v. :
: :
WENDY NICHOLAS, et al., :
: :
: Defendants :

ORDER

AND NOW, this 21ST day of July, 2023, upon consideration of Defendant Shafik's motion (Doc. 32) to dismiss or, in the alternative, for summary judgment, and for the reasons set forth in the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1. The motion (Doc. 32) is treated as a motion for summary judgment with respect to exhaustion of administrative remedies and is **GRANTED**. The Clerk of Court is directed to **ENTER** judgment in favor of Defendant John Shafik and against Plaintiff.
2. The motion (Doc. 32) to dismiss is **GRANTED** in all other respects.
3. The action against the John/Jane Doe Defendant is **DISMISSED** pursuant to Federal Rule of Civil Procedure 4(m).
4. The Clerk of Court is directed to **CLOSE** this case.
5. Any appeal from this Order is **DEEMED** frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).



Robert D. Mariani
United States District Judge